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July 24, 2009

Application No. : **2,473,700** ✓
Owner : KANEKA CORPORATION
Title : **METHOD FOR STABILIZING REDUCED COENZYME Q10 AND
COMPOSITION THEREFOR** ✓
Classification : C07C 41/46 (2006.01)
Your File No. : **P48604**
Examiner : Maria Slaby

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account the:

Description, pages 1-44, as originally filed; and
Claims, 1-61, as originally filed.

The number of claims in this application is 61.

The examiner has identified the following defects in the application:

The claims do not comply with section 28.2 of the *Patent Act*. The examiner considers that the analysis presented in the international preliminary report on patentability (IPRP) in regard to novelty is applicable under the Canadian standard for anticipation. In view of the lack of amendment to the claims, the deficiencies mentioned during international examination in regard to novelty are hereby identified, in respect of the claims identified in the IPRP, as defects for the purposes of national examination.

The claims do not comply with section 28.3 of the *Patent Act*. The examiner considers that the analysis presented in the international preliminary report on patentability (IPRP) in regard to inventive step is applicable under the Canadian standard for obviousness. In view of the lack of amendment to the claims, the deficiencies mentioned during international examination in regard to inventive step are hereby identified, in respect of the claims identified in the IPRP, as defects for the purposes of national examination.

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Claim 2 is indefinite and does not comply with subsection 27(4) of the *Patent Act*. The presence of the term "and" in the phrase "and beef tallow, modified fat and oil derived from these by ... transesterification" causes lack of clarity since it is not clear to what fats the term "these" refers.

Claim 2 is indefinite and does not comply with subsection 27(4) of the *Patent Act*. The inclusion of "or the like" causes ambiguity.

Claims 5-7, 17-19, 33-36, 47-48 are indefinite and do not comply with subsection 27(4) of the *Patent Act*. The term "the system" has no antecedent.

Claims 5-7, 17-19, 33-36, 47, 48 are indefinite and do not comply with subsection 27(4) of the *Patent Act*. The definition "lower than 4% by weight based on the system excluding coenzyme Q₁₀" is unclear.

Under section 76 of the *Patent Rules*, every trade-mark must be identified as a trade-mark. If "Tween", and "Span" on pages claims 18, 40; are trade-marks, they must be so identified.

Claims 38, 55 do not comply with section 84 of the *Patent Rules* because there is no support in the present description for the subject matter of these claims.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

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